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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION  
13

14 UNITED STATES OF AMERICA,	)	No. CR-12-0124-CW
	)	
15 Plaintiff,	)	[PROPOSED] ORDER DETAINING
	)	DAVID FULGHAM PENDING TRIAL
16 v.	)	
	)	
17 DAVID FULGHAM,	)	
	)	
18 Defendant.	)	
	)	
19	)	
20	)	

21 The defendant, David Fulgham, was charged in a one-count indictment with possession  
22 with intent to distribute MDMA in violation of 21 U.S.C. §§ 841(a)(1). The United States  
23 moved for the defendant's detention pursuant to 18 U.S.C. § 3142, and asked for a detention  
24 hearing, as permitted by 18 U.S.C. § 3142(f). On March 6, 2012, the parties appeared for a  
25 detention hearing and reviewed a criminal history report prepared by Pretrial Services. Based  
26 upon the review of his criminal history report, the defendant agreed to waive a finding on  
27 detention but reserved the right to present information at a future bail hearing should his

1 circumstances change. See 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f)  
2 hearing to, with the assistance of counsel, testify, present witnesses, cross-examine adverse  
3 witnesses, and present evidence by proffer or otherwise).

4 **ORDER**

5 In light of the defendant's criminal history, he is ordered detained as no condition or  
6 combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure the appearance of the  
7 defendant as required and the safety of any other person and the community. Because the  
8 defendant waived his right to present information pursuant to 18 U.S.C. § 3142(f) without  
9 prejudice to raising any relevant information at a later hearing, the Court orders that the hearing  
10 may be reopened at the defendant's request at a future time.

11 The defendant is committed to the custody of the Attorney General or a designated  
12 representative for confinement in a corrections facility separate, to the extent practicable, from  
13 persons awaiting or serving sentences or held in custody pending appeal. See 18 U.S.C.  
14 § 3142(i)(2). The defendant must be afforded a reasonable opportunity to consult privately with  
15 counsel. See 18 U.S.C. § 3142(i)(3). On order of a court of the United States or on request of an  
16 attorney for the government, the person in charge of the corrections facility must deliver  
17 defendant to the United States Marshal for a court appearance. See 18 U.S.C. § 3142(i)(4).

18 IT IS SO ORDERED.

19  
20  
21 DATED: March 6, 2012



LAUREL BEELER  
United States Magistrate Judge